

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED

January 08, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: Fidel Morales
DEPUTY

United States of America
v.
Erica Salinas ARMENDARIZ

Case No.

EP:24-M-00072-MATDefendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 5, 2024 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C. § 554(a)

Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to-wit: approximately 375 rounds of assorted caliber ammunition.

This criminal complaint is based on these facts:

See Attached Affidavit

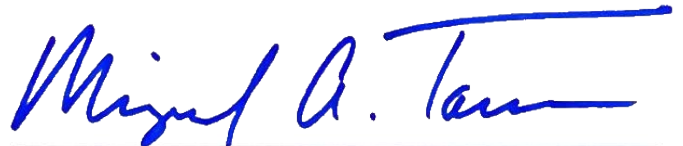
☒ Continued on the attached sheet.

Complaint sworn to telephonically on
January 08, 2024 at 02:00 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**


Complainant's signature

Charles Bachhuber, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 01/08/2024

Judge's signature
City and state: El Paso, Texas

Miguel A. Torres, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

Your affiant makes this affidavit based on his knowledge as well as information provided by other law enforcement officers. Your affiant has not included each and every fact known concerning this investigation. Your affiant has set forth only the facts necessary to establish probable cause for the arrest of Erica Salinas ARMENDARIZ.

On April 3, 2023, United States (U.S.) Customs and Border Protection Officers (CBPOs) were conducting outbound inspection operations at the Stanton Street Bridge Port of Entry in El Paso, Texas, when they encountered a gray 2017 Dodge Ram bearing Chihuahua, Mexico, license plates driven by Erica Salinas ARMENDARIZ ("ARMENDARIZ"). During the outbound inspection process, a CBPO asked ARMENDARIZ if she was bringing any firearms or ammunition with her or if she had any weapons for personal protection and ARMENDARIZ replied she did not have anything.

Inspection of ARMENDARIZ and the vehicle on April 3, 2023, resulted in the discovery of sixty (60) rounds of Winchester .223 Remington ammunition, fifty (50) rounds of Monarch .380 ACP ammunition, two (2) Phoenix Arms .25 ACP magazines, and a Safariland triple magazine pouch. Inspection of ARMENDARIZ and the vehicle also resulted in the discovery of a packing list/receipt from Phoenix Arms related to the sale of two (2) .25 ACP magazines and two (2) receipts from Academy Sports + Outdoors related to the purchase of ammunition on March 31, 2023, and April 3, 2023. The receipt dated April 3, 2023, reflected the sale of fifty (50) rounds of Monarch .380 ACP ammunition. ARMENDARIZ was transported to the Paso Del Norte Port of Entry for further processing.

On April 3, 2023, Homeland Security Investigations (HSI) Special Agent (SA) Charles Bachhuber and HSI Task Force Officer (TFO) Jaime Acosta responded to the Paso Del Norte Port of Entry. On April 3, 2023, ARMENDARIZ declined to be interviewed by SA Bachhuber and TFO Acosta. SA Bachhuber reviewed the information shown on the packing list from Phoenix Arms related to the sale of two (2) .25 ACP magazines and observed that the magazines had been shipped, addressed to ARMENDARIZ at the address displayed on ARMENDARIZ' driver's license.

In April and June 2023, SA Bachhuber received sales invoice and shipping documentation from two (2) businesses that sell ammunition and firearm magazines via the internet. SA Bachhuber reviewed the provided documentation and observed that during the approximate period of August 21, 2022, through March 30, 2023:

- Approximately thirty (30) orders, reflecting the sale of approximately nine hundred (900) rounds of ammunition and eighty-seven (87) firearm magazines, had been shipped, addressed to ARMENDARIZ at ARMENDARIZ' driver's license address in El Paso. The orders totaled approximately \$3,385.06 including tax and shipping.
- Approximately sixteen (16) orders, reflecting the sale of approximately one thousand two hundred (1200) rounds of ammunition and one hundred ninety (190) firearm magazines, had been shipped, addressed to another individual, tentatively identified as a Mexican Citizen who resides in Mexico and cannot lawfully enter the U.S., at ARMENDARIZ' driver's license address in El Paso. The orders totaled approximately \$6,248.87 including tax and shipping.

AFFIDAVIT

In May 2023, SA Bachhuber received video surveillance recordings from Academy Sports + Outdoors in El Paso, Texas. The recordings related to four (4) ammunition purchases conducted in March and April 2023, and reflected the sale of approximately 250 rounds of ammunition for a total of \$134.15 including tax. SA Bachhuber reviewed the recordings and observed that ARMENDARIZ had conducted the four (4) ammunition purchases. The recordings reflected that ARMENDARIZ had purchased ammunition on April 3, 2023, and had been driving a gray pickup truck that matched the appearance of the vehicle she was driving when she was encountered by CBPOs on April 3, 2023.

In June 2023, a search warrant was authorized for the cellular telephone found in ARMENDARIZ' possession on April 3, 2023. In July and August 2023, HSI SA Bachhuber reviewed the information extracted from the device. SA Bachhuber observed a WhatsApp conversation between the cellular telephone and a Mexican cellular telephone number. Investigation has shown that the Mexican telephone number was associated with the owner of the gray 2017 Dodge Ram who is a Mexican Citizen who resides in Mexico and cannot lawfully enter the U.S. SA Bachhuber observed numerous messages during the approximate period of November 30, 2022, through March 30, 2023, that related to the purchase of ammunition and firearm magazines, including one series of messages, sent from the Mexican cellular telephone number which stated: My love I have an order. Bullets. But you are going to have to hustle to the other store. 2 .223, 1 30/30 northwest, 1 9mm, 2 357, 1 .22 short northwest.

On January 5, 2024, a CBPO observed a female individual purchasing ammunition at the Academy Sports + Outdoors store in east El Paso, Texas. The female individual was then observed departing the Academy Sports + Outdoors store in a black 2016 Chrysler 300 bearing Chihuahua, Mexico, license plates. Law enforcement database queries revealed that the vehicle was associated with ARMENDARIZ. CBPOs began conducting surveillance on the vehicle. During the surveillance, CBPOs observed the vehicle travel to several different locations in El Paso, Texas, including the Academy Sports + Outdoors store in west El Paso, Texas.

On January 5, 2024, CBPOs were conducting outbound inspection operations at the Stanton Street Bridge Port of Entry in El Paso, Texas. On January 5, 2024, at approximately 5:05 p.m., a CBPO approached the black 2016 Chrysler 300 bearing Chihuahua, Mexico, license plates as it attempted to depart the U.S. to Mexico. The vehicle was driven by ARMENDARIZ. During the outbound inspection process, the CBPO asked ARMENDARIZ if she was carrying any firearms or ammunition and ARMENDAREZ stated no. A CBPO Canine Enforcement Officer (CEO) utilized his Currency and Firearms Detector Dog (CFDD) to examine the vehicle. The CFDD alerted to a trained odor emanating from the vehicle.

Further inspection of the vehicle resulted in the discovery of one hundred (100) rounds of Monarch 9mm ammunition, fifty (50) rounds of Monarch .40 S&W ammunition, twenty-five (25) rounds of Winchester 12-gauge ammunition, and two hundred (200) rounds of 5.56x45mm ammunition concealed in the dashboard of the vehicle. ARMENDARIZ was transported to the Paso Del Norte Port of Entry for further processing.

On January 5, 2024, HSI SA Charles Bachhuber and HSI TFO Jaime Acosta responded to the Paso Del Norte Port of Entry. On January 5, 2024, ARMENDARIZ declined to be interviewed by SA Bachhuber and TFO Acosta.

AFFIDAVIT

Your affiant is aware that ammunition is controlled for export to Mexico on the Commerce Control List. Your affiant is also aware that a license, issued by the U.S. Department of Commerce, is required for the export of ammunition to Mexico. Queries conducted by the U.S. Department of Commerce and by HSI SA Bachhuber reflected that ARMENDARIZ did not possess a license relating to the export of ammunition from the U.S.



Charles Bachhuber, HSI Special Agent